

**REMARKS**

In the January 30, 2004 Office Action, the Examiner noted that claims 1-16 were pending in the application and rejected all of the claims under 35 U.S.C. § 103. In rejecting the claims, U.S. Patents 6,091,803 to Thompson; 5,287,352 to Jackson et al.; 6,366,653 to Yeh et al.; 5,483,530 to Davis et al.; 5,453,984 to Mueller; and 5,892,764 to Riemann et al. (References A-F, respectively) and an article by Hofer were cited. Claims 1-16 remain in the case.

The claims were rejected in the January 30, 2004 Office Action for the same reasons as in the September 30, 2003 Office Action. Since these rejections were traversed in the Amendment filed December 30, 2003 which was received by the U.S. Patent and Trademark Office on January 2, 2004, the traversal of the rejections will not be repeated. Instead, these remarks address the Response to Arguments on pages 2-4 of the January 30, 2004 Office Action.

In Item 1 on page 2 of the Office Action, the Examiner invited Applicants to further define the "processing" that is performed "in said computer device" (claim 1, line 22). As discussed in the previous Amendment, the term "processing" should be interpreted broadly, but not so broadly as to include merely "forwarding" (claim 1, line 20) or "sending" (claim 1, line 23) data. In Item 1 of the January 30, 2004 Office Action, the Examiner acknowledged that the term "processing" was being interpreted as requiring only "that the data is handled using a set of routines" (Office Action, page 2, line 15) and that therefore "the determination of whether to forward ... requires processing" (Office Action, page 2, lines 16-17).

The broad interpretation of "processing" used by the Examiner would require no change in the data being processed. Therefore, it would be inappropriate to use the term "processed transmission data" on line 23 of claim 1 and the data would still be referred to as simply "transmission data" as appears on line 20 of claim 1. The point of the remarks in the previous Amendment was that the term "processed transmission data" inherently requires that some change is made to the "transmission data" during the processing, otherwise the data which is sent to the telecommunication terminal apparatus after the processing would be referred to as "transmission data". Furthermore, since claim 1 recites that the transmission data is received by the computer device from the telecommunication terminal apparatus (claim 1, lines 20-21) and the "processed transmission data" is returned to the telecommunication terminal apparatus (claim 1, lines 23-24), there would be no point to the transfer of identical data to and from the computer device as recited in claim 1 when the Examiner's broad interpretation of "processing" is used.

As discussed in the previous two Amendments, nothing has been cited in Thompson or any other cited prior art reference "suggesting that there is an operating mode in which signals

produced by the telephone locally connected to the computer are routed through the computer for processing prior to transmission" (page 11, lines 15-17 of the Amendment filed August 21, 2003 which was received by the USPTO on August 25, 2003). The portions of Thompson cited in at least the last two Office Actions as disclosing "processing [of the transmission data] in said computer device by said processor ... and sending ... processed transmission data to said telecommunication terminal apparatus" (claim 1, lines 22-24) are column 2, lines 24-32; column 3, lines 23-63; column 4, line 44 to column 5, line 20; and column 6, lines 6-9. The cited portion of column 2 can be summarized by the statement that "the telephone is physically connected between the switching system and the computer, ... but logically, ... the computer is connected between the switching system and the telephone" (column 2, lines 24-29). The cited portion of column 3 describes the connections in more detail and a "watchdog program ... [which detects whether] the telephone application program is not operational" (column 3, lines 47-50) and, if so, causes the telephone to stop "transmitting the signaling signals to the computer ... and ... to operate in direct response to the signaling signals received thereby as if the computer did not exist" (column 3, lines 56-60). As discussed in the previous two Amendments, these two portions of Thompson only describe the computer processing incoming signals to the telephone, not outgoing signals to offload operations performed by some conventional telephones, as recited in the portions of claim 1 quoted above.

The cited portions of column 4 and 5 of Thompson describe the programs illustrated in Fig. 5 that are executed by the telephone 20 and computer (PC). Nothing in this description suggests that the programs 42 executed by the computer perform any operations on data generated by the telephone, as indicated in the statement that when the watchdog program in the telephone detects that the computer is not responding, the telephone "ceases transmitting the D-channel data to the computer, and controls direct operation of the hardware of the telephone from the signaling signals **received** via the D-channel **from the switching system 46**" (column 5, lines 25-29, emphasis added) and there is no mention of ceasing to transmit data generated by the telephone. This is consistent with the lack of any mention in Thompson of data created by the telephone going to the computer.

Finally, the cited portion of column 6 states that "the telephone provides nothing more than signal transport" (column 6, lines 6-7) to the computer. As discussed above and in the previous Amendment, there is no suggestion in this portion or anywhere else in Thompson that the computer uses data **from** the telephone to perform any function or operates on such data.

Since the Examiner refused to acknowledge what Applicant believes was inherently required by the language used in the claims as previously presented, the independent claims 1 and 14 have been amended to recite that the processing of the transmission data is used "to **change** the transmission data into processed transmission data" (e.g., claim 1, lines 22-23, emphasis added). As discussed previously, it was believed that the term "processed transmission data" inherently required that the transmission data had been changed by the computer device. Now this is explicitly recited in the independent claims. As discussed above and in the previous Amendment, nothing has been cited or found in Thompson teaching or suggesting processing of data from a telephone in a computer that changes the data being processed.

As indicated in Items 3, 4 and 5 on pages 3-4 of the Office Action, the other cited prior art, Jackson et al., Yeh et al., Davis et al., Mueller, Riemann et al. and Hofer are not being relied upon as suggesting any modification of Thompson to perform operations in the computer on data from the telephone that would change the data. Therefore, it is submitted that claims 1 and 14 and claims 2-13, 15 and 16 which depend there from patentably distinguish over the prior art.

#### **Request for Examiner Interview**

In Item 6 on page 4 of the Office Action, the Examiner invited "Applicant to initiate an interview with [the] Examiner." It is not understood why the bold language in the last full paragraph on page 8 of the previous Amendment was not viewed as an initiation of an Examiner Interview. When these claims are reconsidered, if the claims continue to be rejected over the same prior art, the Examiner is again requested to contact the undersigned **prior to issuing** another Office Action, so that further amendment of the claims can be discussed.

#### **Summary**

It is submitted that the references cited by the Examiner, taken individually or in combination, do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-16 are in a condition suitable for allowance. Entry of this Amendment, reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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